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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/735,469	12/14/2000	Bill Terpselas	JJ-11 050CA	6298

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EXAMINER

EDELL, JOSEPH F

ART UNIT

PAPER NUMBER

3636

DATE MAILED: 07/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/735,469

Applicant(s)

TERPSELAS, BILL

Examiner

Joseph F Edell

Art Unit

3636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other:

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,891,274 to Cook et al.

Cook et al. disclose a protective covering for shoulder and lap seat belts that includes all the limitations recited in claim 1.

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,178,439 to 5,178,439 to McCracken.

McCracken discloses a protective covering for shoulder and lap seat belts that includes all the limitations recited in claim 1.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCracken in view of U.S. Patent No. 5,421,614 to Zheng.

McCracken shows a protective covering for shoulder and lap seat belts that is basically the same as that recited in claims 2-5 except that the third side lacks fastener for adjustably connecting the front and back of the cover, as recited in the claims. Zheng discloses a protective covering similar to that of McCracken wherein the opening 58 (Fig. 2) is securable through a releasable fastener 62a (Fig. 2) for adjustment of the size of the opening. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the protective covering of McCracken such that the opening of the third side has dome fasteners for adjustable, releasable securing the front and back sides of the cover, such as the protective cover disclosed in Zheng. One would have been motivated to make such a modification in view of the suggestion in Zheng that the adjustable, releasable opening of the protective cover allows the cover to accommodate children of varying sizes.

6. Claims 6-8, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over McCracken in view of Zheng as applied to claims 2-5 above, and further in view of U.S. Patent No. 4,961,251 to Smith.

McCracken, as modified, discloses a protective covering that is basically the same as that recited in claims 6-8, as best understood, except that the opening for the seat belt tongue lacks a retaining means and an elastic mesh cover for the latch release button, as recited in the claims. Smith shows a protective covering similar to that of McCracken wherein the opening for the tongue has an elastic ring retaining means 72

(Fig. 4) with a mesh cover 50 (Fig. 4) over the latch release button. It would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the protective covering of McCracken such that the opening for the tongue has a dome fastener or elastic ring retaining means with a elastic mesh cover over the latch release button, such as the protective cover disclosed in Smith. One would have been motivated to make such a modification in view of the suggestion in Smith that the tongue cover prevents the unintentional unlatching of the seat belt release button.

### ***Response to Arguments***

7. Applicant's arguments filed 07 June 2002 have been fully considered but they are not persuasive. Applicant argues that Cook does not teach a cover having a truncated triangle with two sides joined together and a third open side for insertion of the lap and shoulder belt because Figure 2 shows the legs are completely enclosed with no openings. Figure 1 of Cook shows a cover 40 (Fig. 1) with a triangular shape having two sides 42c,44d (Fig. 1) joined together and a third open side 52,42d,44c,54 (Fig. 1) for insertion of the lap belt 18 (Fig. 1) and shoulder belt 16 (Fig. 1). Also, Applicant argues that Cook does not suggest that the cover is capable of distributing forces over a large area of the torso. See columns 1, lines 61-68 and column 2, lines 1-2 for the teaching that the cover prevents the pinching of the two belts when placed under tension thereby improving the belts effectiveness.

8. Next, Applicant argues that McCracken teaches a funnel shaped structure which is not a cover having a front and back with a space there between for receiving the shoulder and lap belt. Also, Applicant argues Clark fails to show a cover having a truncated triangle with two sides joined together and a third open side for insertion of the lap and shoulder belt, and the junction between the two sides beings provided with the opening to permit the tongue of the seatbelt to pass there through and engage the latch of the buckle. See Figure 1 of McCracken for the teaching that the cover is a truncated triangle with a front and back. Figure 6C shows another angle of the cover wherein the shoulder and lap belts 40 (Fig. 6C) lie along the two joined sides and the third open side has opening D allowing the belts to pass through and opening C of the two sides permits the tongue of the seat belt to pass through and engage the latch of the buckle.

9. Applicant goes on to argue that the 35 U.S.C. § 103(a) rejections of claims 2-5 over McCracken in view of Zheng as well as claims 6-8 over McCracken in view of Zheng in further view of Smith are not proper because the combinations still do not teach a protective cover as set forth in the claims. Please see the above rejections and response to arguments.

Upon consideration of the Applicant's arguments, Examiner maintains the rejections of claims 1-8.

**Conclusion**

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph F. Edell whose telephone number is (703) 605-1216. The examiner can normally be reached on Mon.-Fri. 8:30am-5:00pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.

  
JE

July 19, 2002

  
Peter M. Cuomo  
Supervisory Patent Examiner  
Technology Center 3600